STATE OF THE NET

Keynote With The White House's Deirdre Mulligan

Internet Education Foundation

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So, last year, my predecessor Alexander MacGillivray, was here. Many of you probably know him as A-Mac. He kicked off this speech reflecting on how nice it was to be with this assembly of his, he said, techie policy legal folks. But, he also kind of lamented how thin our ranks were. Like A-Mac, I too feel really at home here. As many of you know, I'm a lawyer by training, but I've spent most of my career with computer scientists, engineers, data scientists, social scientists, all of whom really believe that we can't just regulate our way through this world, that, if we actually want to build our future in a robust meaningful way that helps us thrive, we actually have to view the design of technology itself as a tool. And so, for that reason, I'm really grateful to be in this room.

But, I'm also really grateful to be in this room, because almost 30 years ago, as Moira mentioned, I had the privilege of helping to start the Center for Democracy and Technology. As was mentioned earlier, shortly thereafter, we helped create the Internet Education Foundation. And, as he tells it, shortly after that, I apparently recruited Tim to come run it. And so, I feel particularly grateful to be

able to be in this room, and to Tim, who's been maintaining this space for robust conversations around these issues for so many years.

So, truly, today, we are at a pivotal moment. Everyone around the globe gets what this community has gotten for many years. Everybody understands that if we want to build a future in which democracies thrive, human rights are protected, equity is advanced, competition is meaningful and robust, and leads to innovation, that we have to lean in to building technology, and so it could not be a better time to be sitting in this room, and our ranks really are growing.

As Moira said, I'm in a new role. After 23 years as a professor at UC Berkeley, I now have the privilege of serving as Principal Deputy U.S. Chief Technology Officer in the White House Office of Science and Technology Policy. OSTP works to maximize the benefits of science and technology to advance health, prosperity, security, environmental quality and justice for all Americans. We advise the President and other senior White House officials on key issues related to science and technology. And we coordinate federal government technology policy and priorities broadly. President Biden, and all of us in the Biden Harris administration, are committed to using tech and data to support the public interest. Ensuring technology works for every member of the public, protects our safety and security and reflects and protects democratic values and human rights.

I wanted to start by responding to Cat's question to Alan, how's the administration doing? So, I think I've mentioned, I've been in this space now for about 30 years. And from my perspective, not just as an administration official, but as somebody who's been in this community, I think the administration is hitting it out of the park. Right? Alan talked, I think very passionately, about the important investments in broadband that we've been making, making the Internet for All an actual realizable goal. We can look at the National Spectrum Strategy, which sets a very clear path for how we make the most of a very, very scarce resource, that is incredibly important for everything that every one of you do in this room.

And, of course, we can look at the administration's sweeping efforts on AI. I was in a briefing call with members of civil society, labor, consumer protection and fillant, philanthropies. And someone called me afterward and they said, Deidre, I think this is like the most sweeping thing any government has ever done to advance civil rights, civil liberties and equity in the design and use of technology. They were really kind of like just blown away and awed at the moment. And so when we think about where we are today, right with the Internet, we were doing a lot of catch up as it developed. And I think what you can see today from the administration is trying to be on the ground thinking really critically about how we design and use and regulate this technology at its inception.

So, I want to start of course by talking about AI. Last October, President Biden signed the landmark executive order on the safe, secure and trustworthy development and use of artificial intelligence. The AEO lays out an ambitious agenda for the United States. It directs federal agencies to establish new standards for AI safety and security, protect Americans privacy, and advance equality and civil rights. It stands up for consumers and workers promotes innovation and competition, and it advances American leadership around the globe, and much more. My guess is that the executive order has touched the work of every person in this room. And that's because it was designed to touch the lives and improve the lives of every American. President Biden really directed everyone across the agencies, and across the EOP, to pull every lever. We were to do all that we could. And I think we did.

When I was looking back at A-Mac's speech from last year, I also noted that there were very specific issues that he pulled out as places where AI was undermining the public's rights and opportunities. He spoke about black Americans who were being denied life saving health care by algorithms. He talked about women whose job applications are being unjustly rejected by AI. And I wanted to kind of just reflect back about where we were and say, like when you're looking for concrete action on key issues, we've done stuff, right. In the past year, we've taken really meaningful steps to address these issues. The AI Executive Order tasked the Department of Health and Human Services to develop a strategic plan that includes policies and frameworks on responsible deployment and use of AI and AI enabled technologies in the health and human services sector. It includes a very specific focus on identifying and mitigating discrimination and bias in the healthcare system, including an algorithms that are used to deliver essential services across the country. Last year, the Equal Employment Opportunity Commission released technical assistance for employers on the use of software algorithms and AI in decisions related to recruitment, hiring, promotion and dismissal. And its most recent strategic enforcement plan. The EEOC emphasize that employers are increasingly using technology including AI to target job advertisements recruit applicants, and make an assist in hiring and other employment decisions. And the agency said in order to combat employment discrimination, they will be focusing on this as a key enforcement priority.

In addition to tackling AI in this particular way, the administration is also focused more broadly on equity in all of its work, and in particular, requiring federal agencies to look at the equity implications of algorithms that they use in agency work. And this includes bringing civil rights officers into the conversations about how we design, deploy, and use such tools. The Biden Harris administration isn't just telling other people what to do, we're also leading by example. We're establishing policies and practices to guide the responsible development and cultivate the best

use of AI across the federal government. We're also investing in research and infrastructure and talent necessary to do this work. In November, I'm sure many of you saw that the Office of Management and Budget released a draft policy on federal government use of AI. This guidance would establish AI governance structures and federal agencies advance responsible AI innovation, increased transparency, protect federal workers, and manage the risks from government uses of AI for the public. The draft policy emphasizes the importance of ensuring strong AI leadership at agencies and furthering public reporting and transparency mechanisms. Through the AI use case inventories. It would place additional requirements on AI that impacts the public's rights and safety, including impact assessments, stakeholder consultation and feedback, real world performance testing, not just lab de-biasing, independent evaluation and ongoing monitoring to make sure systems don't drift off in ways that perpetuate bias. This is groundbreaking policy. It really would ensure that government use of AI from uses like facial recognition technology to its use to distribute important and critical life saving benefits to the public are designed to protect the public's rights, and advance equity, dignity and fairness, we are really putting our money where our mouth is.

This guidance, and the executive order, further the principles set forth in the blueprint for the AI Bill of Rights. When technology is changing at an extreme pace, it's really important that we're clear about our principles and our values, and that we take really serious and swift steps to put them into practice. Together the AI executive order and this MMO serve as guiding lights as the administration continues baking, taking action to use AI responsibly for the benefit of the public.

None of this work, of course, would be possible without a robust AI workforce. That's why we launched the AI Talent Search, we are bringing in talent that can responsibly leverage AI for important public purposes, that can aid our enforcement agencies and oversight and enforcement that can do the risk management work that many companies are struggling to do, we need to do that. Also, we need to make sure that we have the computer scientists, the machine learning experts, the data scientists, the emphasis the privacy professionals to do this work, and to actually be a model for other countries and the private sector as you work to do it to, to bring in talent, we're not just putting out new ads, right, we're really changing the way in which we bring people in the office of personnel management is making it easier for agencies to quickly hire technical talent such as data scientists. We're leveraging programs that were stood up during the Obama administration, such as the Presidential Innovation Fellows and the US Digital Service. We're also really leveraging the new career opportunities that the Obama that the Biden administration created with the US Digital Corps. Many federal agencies have already designated a chief AI officer to advise agency leadership on AI and coordinate and track the agency's AI activities. It's really important to understand that technical leadership isn't just necessarily at the implementation

stage. It's necessary when we're thinking about how we're going to use technology, how we're going to design it and how we're going to bring it into operations. So this AI Talent Search is designed to make sure that we have both the strategic vision and the day to day for us to do that hard implementation work.

Second, I wanted to talk about facial recognition technology. The OMB guidance I just mentioned, is particularly important when it comes to rights impacting AI systems like facial recognition used by the US government across a wide range of agencies. We've heard from many stakeholders who have expressed concerns with government and private sector use of facial recognition technology. And we've seen these concerns prompt swift action from our federal law enforcement agencies such as the Federal Trade Commission. In May 2022, the president signed an executive order directing the federal government to assess how data can inform equitable and effective policing, as well as to identify privacy, civil rights and civil liberties concerns and recommend best practices related to the use of technology including facial recognition and predictive algorithms. My team and I at OSTP are working with colleagues at the Department of Homeland Security and the Department of Justice on this critically important work. To support this work, the National Academy of Sciences conducted a study of facial recognition technology with a particular focus on the use of such technology by law enforcement in law enforcement agencies.

The recently issued report highlights the significant equity privacy and civil liberties concerns that merit attention by organizations not just that use the technology, but by the those that develop it. To address these concerns, the report lays out a number of recommendations for the federal government. As the blueprint for an AI Bill of Rights highlighted. designers, developers and deployers of automated systems should take proactive and continuous measures to protect individuals and communities from algorithmic discrimination, and to use and design systems in equitable ways. This is really underscored by this recent National Academy of Sciences report. We continue to work with our colleagues at the Department of Justice and homeland security, to identify best practices and to recommend guidelines, not just for federal, but for State, Tribal, Local and Territorial law enforcement agencies, as well as technology vendors themselves. And we're going to continue to work together not only on this important effort around facial recognition technology and predictive algorithms, but also more broadly because the AI Executive Order tasked the Department of Justice with reviewing and examining the ways in which AI is functioning across the criminal justice system at large.

Finally, I wanted to highlight the important role of privacy professionals and privacy tools in responsible AI work, and the way in which the administration is trying to engage and uplift that. So, the community assembled here today knows the importance of protecting privacy. You also

understand the vast implications of the growing troves of personal data and the increase in technologies that automate surveillance and decision making for human rights and for democracy. Some of you are no doubt among the vanguard professional community, privacy professionals, in what has now become a much more interdisciplinary field that understands the importance of shaping and designing technical tools. The work of the privacy community, both within and outside government, has never been more vital to our future. It's incredibly important that this industry and professional lean in, and it's also incredibly important that the tools that we use, such as privacy impact assessments, are updated to make sure they can fully address the new risks and challenges posed by technologies such as AI.

The Executive Order on Artificial Intelligence recognizes that strengthening federal protections for Americans privacy is a top priority, and it directs the federal agencies to take meaningful action. Part of that action, the AIEO directs OMB to solicit public input on how privacy impact assessments may be more effective at mitigating privacy harms, including those that are further exacerbated by AI. Those public comments are due by April 1, and I hope that we find many of your names in those submissions. This public input will inform OMB as it considers what potential revisions to guidance may be necessary to ensure that privacy impact assessments continue to facilitate robust identification and mitigation of potential harms, and do so in a way that is transparent to the public.

In conclusion, our nation has immense aspirations to achieve robust health and ample opportunity for each person in every community to overcome the climate crisis by reimagining our infrastructure, restoring our relationship with nature, and securing environmental justice, to sustain global security and stability to build a competitive economy that creates good paying jobs and to foster a strong, resilient and thriving democracy. Technology plays a vital role in achieving each of these goals, and particularly AI. When designed, developed and used responsibly, technology and data can help to achieve our great aspirations. These advances can open the door to a future in which we meet the climate crisis, we strengthen our economy. We foster global peace and stability, we achieve robust health for all and open up our opportunities for every individual. All of us in the Biden Harris administration are committed to this deeply wonky and exceedingly important work that's required to build towards the future, and we look forward to your continued engagement and partnership.

Thank you.